

MINUTES

MONTANA SENATE 61st LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chairman Gary L. Perry, on February 17, 2009 at 8:00 A.M., in Room 303 Capitol.

ROLL CALL

Members Present:

Sen. Gary L. Perry, Chairman (R)
Sen. Jim Shockley, Vice Chairman (R)
Sen. John Esp (R)
Sen. Greg Hinkle (R)
Sen. Larry Jent (D)
Sen. Carol C. Juneau (D)
Sen. Cliff Larsen (D)
Sen. Jesse Laslovich (D)
Sen. Dan McGee (R)
Sen. Lynda Moss (D)
Sen. Terry Murphy (R)

Members Excused: Sen. Aubyn Curtiss (R)

Members Absent: None.

Staff Present: Valencia Lane, Legislative Branch
Pam Schindler, Committee Secretary

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted: SB 349, SB 374, 2/9/2009

Executive Action: SB 285-Do Pass, Committee
Resolution for Workmen's
Compensation-Do Pass, SB 388-Tabled

**Distributed to the Committee Members regarding SB 221 heard
1/23/09:**

[EXHIBIT\(jus37a01\)](#)

EXECUTIVE ACTION ON SB 285

00:02:45 **Motion:** Sen. Jent moved that **SB 285 DO PASS.**

00:08:54 **Motion:** Sen. Esp moved that **SB 285 BE AMENDED.**

[EXHIBIT\(jus37a02\)](#)

Discussion:

00:09:37 Sen. Jent

00:10:06 Sen. Esp

00:11:20 Sen. Shockley

00:12:23 Sen. McGee

00:12:35 **Vote:** Motion that **SB 285 BE AMENDED** failed 6-6 by roll call vote with Sen. Curtiss, Sen. Esp, Sen. Hinkle, Sen. McGee, Sen. Murphy, and Sen. Perry voting aye. Sen. Curtiss voted by proxy.

Discussion:

00:13:31 Sen. McGee

[EXHIBIT\(jus37a03\)](#)

00:19:31 Sen. Jent

00:24:41 Sen. Larsen

00:25:53 Sen. Laslovich

00:31:59 Sen. Esp

00:34:22 Sen. Larsen

00:35:17 Sen. Juneau

00:38:53 Sen Perry

00:38:21 **Vote:** Motion that **SB 285 DO PASS** carried 7-5 by roll call vote with Sen. Curtiss, Sen. Esp, Sen. Hinkle, Sen. Murphy, and Sen. Perry voting no. Sen. Curtiss voted by proxy.

00:39:26 Sen. Perry

00:40:38 Sen. Shockley

00:41:23 Sen. Hinkle

EXECUTIVE ACTION ON COMMITTEE RESOLUTION

00:41:46 **Motion:** Sen. Shockley moved that the Committee draft a **STUDY RESOLUTION: WORKMEN'S COMPENSATION, for the LAW AND JUSTICE INTERIM COMMITTEE.**

Discussion:

00:42:05 Sen. Perry
00:42:32 Sen. Jent
00:43:31 Sen. Larsen

(Sen. Curtiss entered room.)

00:44:02 **Vote:** Motion that **A STUDY RESOLUTION for WORKMEN'S COMPENSATION BE DRAFTED for the LAW AND JUSTICE INTERIM COMMITTEE DO PASS** carried 9-3 by voice vote with Sen. Esp, Sen. Laslovich, and Sen. McGee voting no.

00:44:43 break

HEARING ON SB 349

Opening Statement by Sponsor:

01:01:25 Sen. Bruce Tutvedt (R), SD 3, opened the hearing on SB 349, Revise state bidding requirements to protect proprietary information.

Proponents' Testimony:

01:02:46 Cary Hegreberg, Montana Contractor Association
EXHIBIT(jus37a04)
01:06:29 Aaron Golik, Century Companies, Inc.
01:07:45 Robert Kober, Knife River Companies, Billings
01:10:12 Mike McGinley, President, Montana Association of Counties (MACo)

Opponents' Testimony:

01:12:00 John Barrows, Executive Director, Montana Newspaper Association
EXHIBIT(jus37a05)

Informational Testimony:

01:20:44 Sheryl Olson, Assistant Director, Department of
Administration, State of Montana

Questions from Committee Members and Responses:

01:21:11 Sen. Larsen
01:22:00 Mr. Hegreberg
01:25:18 Sen. Larsen
01:25:32 Ms. Olson
01:26:34 Sen. Juneau
01:27:15 Ms. Olson
01:27:44 Sen. Laslovich
01:27:54 Mr. Barrows
01:28:10 Sen. Perry
01:28:33 Mr. Olson
01:31:50 Tim Reardon, Chief Legal Council, Department of
Transportation
01:32:14 Sen. Larsen
01:34:40 Mr. Reardon
01:38:04 Sen. Juneau
01:38:32 Mr. Barrows

Closing by Sponsor:

01:39:38 Sen. Tutvedt

01:41:09 break

HEARING ON SB 374

Opening Statement by Sponsor:

01:55:07 Sen. Gary Perry (R), SD 35, opened the hearing on SB
374, Revise parental notification law.

Proponents' Testimony:

02:00:59 Gregg Trude, Executive Director, Montana Right to Life
[EXHIBIT\(jus37a06\)](#)
02:03:19 Susan Gliko, self; Rachel's Hope of Catholic Social
Services of Montana; Montana Catholic Conference
[EXHIBIT\(jus37a07\)](#)

02:08:39 Jeff Laszloffy, Montana Family Foundation
02:12:06 Trevis Butcher, self, Winifred
02:14:08 Gilda Clancy, Montana Eagle Forum; also for Becky
Stockton, Montana Pro-Life Coalition
02:14:46 Dr. Larry Sonnenberg, Family Practitioner Physician,
Bozeman

EXHIBIT(jus37a08)

02:19:12 Harris Himes, Pastor, Big Sky Christian Center

Opponents' Testimony:

02:23:06 Niki Zupanic, ACLU
02:28:07 Stacey Anderson, Public Affairs Director, Planned
Parenthood of Montana
02:31:02 Angie Wagenhals, NARAL, Pro-Choice Montana
02:33:36 Kelsen Young, Executive Director, Montana Coalition
Against Domestic and Sexual Violence

EXHIBIT(jus37a09)

02:36:36 Jamee Greer, Montana Human Rights Network, also for
WEEL

Informational Testimony:

none

Questions from Committee Members and Responses:

02:37:14 Sen. Laslovich
02:37:52 Sen. Perry
02:42:16 Sen. McGee
02:42:46 Ms. Anderson
02:44:21 Sen. Hinkle
02:44:43 Ms. Wagenhals
02:45:44 Sen. Hinkle
02:46:01 Ms. Young
02:46:26 Sen. McGee
02:46:48 Ms. Anderson
02:49:27 Sen. McGee
02:49:54 Dr. Sonnenberg
02:50:27 Sen. Laslovich
02:51:25 Sen. Perry
02:52:03 Sen. Hinkle
02:52:33 Ms. Zupanic
02:55:11 Sen. Moss
02:55:33 Ms. Anderson

02:57:13 Sen. Shockley
02:57:39 Ms. Zupanic
03:02:20 Sen. Shockley
03:02:42 Ms. Anderson
03:03:20 Sen. Hinkle
03:03:42 Ms. Anderson
03:05:33 Sen. Shockley
03:05:44 Ms. Anderson

Closing by Sponsor:

03:08:04 Sen. Perry

03:11:46 break

EXECUTIVE ACTION ON SB 288

03:27:35 **Motion:** Sen. Hinkle moved that **SB 288 DO PASS AS AMENDED.**

EXHIBIT(jus37a10)

(adopted amendment in prior Executive Action 2/9/09, later postponed)

Discussion:

03:30:23 Sen. Laslovich
03:31:34 Sen. McGee
03:36:20 Sen. Shockley
03:37:51 Sen. Moss

03:39:39 Sen. Curtiss proposed a **CONCEPTUAL AMENDMENT for SB 288:** "apply only to major facility citing projects, major energy productions, large or small".

03:42:02 Sen. Perry
03:42:11 Sen. Curtiss
03:42:41 Sen. Esp
03:43:15 Valencia Lane, Legislative Services Division
03:44:05 Sen. Perry **POSTPONED ACTION on SB 288.**

03:44:18 Sen. Hinkle **WITHDREW THE MOTION DO PASS AS AMENDED SB 288.**

EXECUTIVE ACTION ON SB 338

03:44:59 **Motion:** Sen. Laslovich moved that **338 DO PASS.**

Discussion:

03:46:13 Sen. Shockley

03:47:01 **Substitute Motion/Vote:** Sen. Laslovich made a substitute motion that **SB 338 BE TABLED.** Substitute motion carried 11-1 by voice vote with Sen. Esp voting no.

EXECUTIVE ACTION ON SB 221

03:49:04 **Motion:** Sen. McGee moved that **SB 221 DO PASS.**

03:49:10 **Substitute Motion/Vote:** Sen. McGee made a substitute motion that **SB 221 BE TABLED.** Substitute motion failed 6-6 by roll call vote with Sen. Curtiss, Sen. Esp, Sen. Hinkle, Sen. McGee, Sen. Perry, and Sen. Shockley voting aye.

Distributed to the Committee Members regarding SB 236; heard 2/4/09, Executive Action 2/10/09, 2nd Reading Senate Floor 2/16/09:
EXHIBIT(jus37a11)

ADJOURNMENT

Adjournment: 11:59 A.M.

Pam Schindler, Secretary

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Additional Documents:

EXHIBIT ([jus37aad.pdf](#))